

FORM SUMMARY

Name of Form: Order for Temporary Physical Custody--Secure/Nonsecure

Form Number: JD-1711

Statutory Reference: §§48.19(1), 48.21, 48.205, 48.415(1m), 48.355(2d), 938.19(1), 938.205, 938.21, 938.355(2d), Wisconsin Statutes

Benchbook Reference: JV 4

Purpose of Form: The formal order signed by the court directing the custody ordered by the court for a child/juvenile.

Who Completes It: Court, district attorney or corporation counsel.

Distribution of Form: Original to court, copies to placement facility, attorneys, child, parents, social worker and/or intake worker.

Accompanying Forms: Generally none.

New Form/Modification: Modification, last revision 05/01.

Modifications: Modified to comply with 2001 Wisconsin Act 109. Added hearing date. Changed word “placement” to “custody” in findings section. A new section was added to allow for the hearing to be continued for good cause for a period not to exceed 5 days. Expanded options to include a finding where the department or agency has failed to make reasonable efforts.

Reformatted order to clarify that the agency’s recommendation must be considered for any out of home placement. Added #7 for court to deny the request for temporary physical custody.

Comments: This form is intended to be used in both chapter 48 and chapter 938 proceedings. There is no separate form number for chapter 48.

Pursuant to ASFA Final Rules, judicial determinations must be explicitly documented and made on a case by case basis. The order must contain the child-specific reasons for the court’s decision. Reference simply to state statute to substantiate judicial determinations are not sufficient. Affidavits and *nunc pro tunc* orders are not acceptable to support determinations related to out of home placements.

A separate order must be completed for each child/juvenile. When a custody hearing is continued, a second order JD-1711 must be

completed. Both the first and second order must contain all the appropriate findings and orders.

RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.